

MT LEGISLATIVE HISTORY

Chapter 398 19 73

Bill H 469 S _____

Original bill & hist. C

H. Committee on Hwys & Transp.

S. Committee on Hwys & Transp.

Hearing Date(s) _____ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

[illegible]

BILL NO.	SPONSOR	TITLE	COMMITTEE ACTION	FINAL STATUS
HB 408	Lien, others	Exempting from Motor Carrier Act Veh. of 22 ft. or less	BE CONCURRED IN	SIGNED BY GOVERNOR
HB 425	Selstad	Delete Liquid Pet. Gases from Def. of Special Fuel	AS AMENDED BE NOT CONCURRED IN	KILLED-SENATE
HB 426	Kendall Aageson	Permit a driver education student to obtain an instruction permit.	BE CONCURRED IN	SIGNED BY GOVERNOR
HB 434	Glennen, Holtz	Upon change of rate carrier must submit testimony in support	BE CONCURRED IN	SIGNED BY GOVERNOR
HB 435	Glennen, Holtz	Providing that Class C Carriers have under 6 contracts	BE CONCURRED IN	SIGNED BY GOVERNOR
HB 436	Glennen, Lien	Motor Carriers may petition to suspend intrastate operating authority.	BE CONCURRED IN	SIGNED BY GOVERNOR
HB 469	Greely	Regulation for Motorcycles	BE CONCURRED IN	
HB 472	Barrett, Glennen	Suspension of Intrastate Operating Authority	BE CONCURRED IN	SIGNED BY GOVERNOR
HB 486	Lien, Glennen	Deleting provisions under defin. of term "Motor Vehicles"	BE CONCURRED IN	SIGNED BY GOVERNOR

CONSIDERATION OF H.B. 469:

Representative Greely, author, could not be present, but asked Mr. Jerry Loendorf to testify in favor of the bill. Mr. Loendorf stated that this bill was introduced at the request of the Montana Medical Association. He said he believes it very essential that motorcyclists wear helmets. His written testimony is attached.

Representative Bennetts, District 12, said that she was representing a group of cycle clubs from Great Falls, and although she was not a cyclist herself, was stating their case for them. They feel the helmet provision is an impediment and detrimental to a person's hearing and sight. They feel it is better to take the risk without a helmet than the risk of not hearing a train coming or seeing an approaching car. She said a helmet also detaches from the thrill of riding a motorcycle and that she equates this with having a rodeo cowboy wear a helmet. She felt it should be left up to these people's good sound judgement. She said they did feel that a helmet should be worn during a race or when just learning to ride, but they feel they are skilled in riding and are able to take the risk.

With regard to the noise suppression device, Senator Zody said he was in favor of this. He did not think it should include roads surrounding the city, but only those roads within the city.

After further discussion, Senator Graham moved that H.B. 469 BE CONCURRED IN. Senator Northey seconded the motion. Motion carried.

CONSIDERATION OF H.B. 265:

Representative Jacobsen, author, was present to testify. He said the bill states that a flagman should be used in the front if the vehicle is more than 15 feet wide, and in back also if the area is considered to be hazardous by the Highway Patrol. He said the main difference between this bill and Senator Thiessen's bill (S.B. 198) is that S.B. 198 did not provide for the number of miles to be traveled, nor did it have a width provision. He said the Highway Patrol had no objection to H.B. 265.

Senator Zody said that he would not feel safe hauling a vehicle of fifteen feet without a flagman.

Senator Northey said S.B. 198 states that there should be a front flagman for a vehicle in excess of 12 feet.

After further discussion, the committee was in agreement that S.B. 198 would better take care of the situation. Senator Broeder moved that H.B. 265 BE NOT CONCURRED IN. Senator Aber seconded the motion. Motion carried.

With no further business, the meeting was adjourned.

Dave Manning
DAVE MANNING, CHAIRMAN

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/27/73 HOUSE Bill No. 469 Time 9:30

NAME	YES	NO
Senator Dave Manning, Chair.	X	
Senator Carroll Graham, V.C.	X	
Senator Larry Aber	X	
Senator Fred Broeder	X	
Senator Frank Hazelbaker	A	
Senator Gordon McGowan	A	
Senator Earl Moritz	A	
Senator Harry Northey	X	
Senator C. F. Sorenson	A	
Senator Leonard Vainio	A	
Senator A. A. Zody	X	

Judy Hietala
Secretary

Senator Dave Manning
Chairman

Motion: Senator Graham moved that H.B. 469 BE CONCURRED IN.

Senator Northey seconded the motion. Motion carried

HIGHWAYS AND TRANSPORTATION COMMITTEE

43rd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
H.B. 177 Laas	abolishing the board of highway appeals and transferring its functions to the highway commission		2-12-73		2-13-73	Held over to 1974 session	
H.B. 232 Bardanove	Charge the administrating agency for reg. and licensing of boats and vessels from the Board of Equalization		2-12-73		2-13-73	Held over to 1974 session	Deferred to 1974 session
H.B. 233 Bardanove	Changing the Administrating agency for licensing of snowmobiles		2-12-73		2-13-73	Held over to 1974 session	Deferred to 1974 session
H.B. 291 Laas	providing for state assumption of paved fed. and secondary highways maintenance.		2-12-73		2-13-73	Held over to 1974 session	Deferred to 1974 session
H.B. 469 Greely	regulating the operation of motorcycles		2-10-73		2-12-73	Held over to 1974 session	
H.B. 240 Marbut	requiring every vehicle upon a state highway and 2 lane section of national system to have lights on during day.	1-19-73	1-27-73		1-27-73	do Not Pass	Withdrawn in Committee

February 10, 1973

The Highway and Transportation Committee was called to order this date by Chairman Laas. All members were present with the exception of Rep. Baeth. The following bills were before the committee for consideration:

House Bill 291: Rep. Laas, sponsor, presented the bill to the committee. Other proponents testifying were Mr. Dean Zinnecker, of Montana Association of County Commissioners, and Mrs Robert Wilson, Department of Revenue. Opponents to the bill were the following: Mr. A. Scribner, diesel fuel consumer; Mrs. Peggy Gerald; Mr. Mike Rice, of Rice Truck Lines; Mr. Peter Petek, Associated Food Stores, Inc; Mr. Walt Pitcher; Mr. Floyd Capps, Intermountain Transfer company; Mr. Wayne Waggoner; and many others who were introduced, but did not testify. Prepared statements are attached. Mr. Howard Buswell, Mr. Don Gueled, & Mr. Beck, all from the highway department were present to answer questions on House Bill 291.

House Bill 425: Rep. Selstad, sponsor, explained the bill to the committee. Other proponents were Mr. Jack Twitchell, and Mr. Bob Wilson. There were no opponents.

House Bill 472: Mr. William O'Leary of the Public Service Commission presented the bill to the committee. There were no opponents.

House Bill 434: Mr. William O'Leary explained this bill to the committee. A suggested amendment, attached, was offered to the committee. There were no opponents.

House Bill 374: Mr. William O'Leary explained this bill to the committee. There were no opponents.

House Bill 160: Rep. Marks, sponsor, explained the bill to the committee. Mr. Duane Tooley, of the Montana Highway Patrol, testified as a proponent. There were no opponents.

House Bill 510: Mr. Duane Tooley, of the Montana Highway Patrol explained this bill and also proposed an amendment, attached. Opponent to this bill was Mr. William Romine, representing Montana Motorcycle Dealers Association. Mr. Romine chief objection to the bill was the effective date in the proposed amendment.

House Bill 469: Mr. Jerone Loendorff explained this bill and proposed the attached amendment. Mr. Duane Tooley testified as a proponent. Opponents to this bill was Mr. William Romine and Michael G. Billings. Prepared statements are attached.

House Bill 265: Rep. Jacobson, chief sponsor, explained this bill to the committee. He proposed the attached amendments. Mr. Duane Tooley testified as a proponent. There were no opponents.

House Bill 287: Mr. Jerone Loendorff explained this bill to the committee. There were no opponents.

House Bill 288: Mr. Jerome Loendorff explained this bill to the committee. There were no opponents.

House Bill 177: Mr. George Bozelman presented this bill to the committee and proposed an amendment, attached. Opponents to this bill was Mr. George Hammond. His preparer statement is attached.

The following actions were taken on the above bills:

House Bill 265: Rep. Lien moved the adoption of the amendments, attached. The motion passed unanimously. Rep. Harper moved that House Bill 265, as amended, Do Pass. The motion passed unanimously.

House Bill 371: Rep. Watt moved that House Bill 371 be held over until the second half of the 43rd Legislative session, January 1974. The motion passed unanimously.

House Bill 374: Rep. Selstad moved that House Bill 374 Do Pass. The motion passed unanimously.

House Bill 469: Rep. Lien moved House Bill 469 Do Not Pass. Rep. Watt made a substitute motion to House Bill 469 pass for the day, the motion passed unanimously.

House Bill 291: This bill was passed for the day.

House Bill 472: Rep. Watt moved House Bill 472 Do Pass. The motion was passed unanimously.

House Bill 160: Rep. Harper moved House Bill 160 Do Pass. The motion passed unanimously.

House Bill 177: The bill was passed for the day.

House Bill 287: Rep. Kendall moved House Bill 287 Do Pass. The motion was passed unanimously.

House Bill 288: Rep. Harper moved House Bill 288 Do Pass. The motion was passed unanimously.

House Bill 425: Rep. Glennen voted House Bill 425 Do Pass. Rep. Kendall made a substitute motion House Bill 425 Do Not Pass. The substitute motion failed with Rep. Kendall and Cotton voting yes. Rep. Glennen motion passed with Rep. Kendall and Rep. Cotton voting No.

House Bill 434: Rep. Watt moved the adoption of the amendments. The motion passed unanimously. Rep. Watt moved House Bill 434 be passed as amended. The motion passed unanimously.

House Bill 510: Rep. Glennen moved the adoption of the amendments, attached. The motion passed unanimously. Rep. Watt moved to amend the amendment, attached. The motion passed unanimously. Rep. Harper moved House Bill 510 as amended Do Pass. Rep. Lien made a substitute motion that House Bill 510 Do Not Pass. Rep. Lien's motion passed with Rep. Watt, Campbell, Glennen, Healy, and Harper voting No.

Testimony, in opposition to H.R. 469, delivered
to Highways and Transportation Committee of
the House of Representatives by Michael C. Billey,
Seattle, Wash.

I am opposed to House Bill 439 for the following reasons: The bill frustrates the integrity of laws which are designed chiefly (except for the section on smoking in cars) to protect people from themselves. As such, the bill, if enacted, would encroach on the individual liberty and freedom of choice of those members of the population who ride motorcycles. Examples of such parts of the infringement on the freedom of choice implied by H.B. 439 would be laws designed to make smoking in public uncomfortable or unpleasant for the smoker because smoking ^{could be} a hazard to his health and unpleasant

for nuisances in his immediate vicinity; or laws designed to make overeating a crime punishable by a fine because overeating is thought to be hazardous to one's health and impairs him physically; or laws requiring everyone who rides in an automobile to wear seat belts because it is dangerous otherwise; or laws to require that no child under seven years old may ride near the door of an automobile, or in the front seat of an automobile because in an accident the chances of such a child being injured are greater in those positions; and so on.

I ride a motorcycle and I nearly always wear a helmet. But there are occasions when it is either more pleasant to be without one, or

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When I just plain don't want to wear one, just
as there are times when I don't feel like wearing
the seat belt in my car. These limits are rare,
but I want to have the choice to wear or not
wear a helmet, and I don't want to be fined for
not taking proper care of myself. Goggles are
a nuisance, and are dangerous to wear in
town. They greatly restrict vision when worn in
sloping, windy conditions, and they actually are probably
more of a hazard than a safety device when all
things are considered.

What is magical about the age of seven as far as
restricting who may and may not be carried on the
back of a motorcycle? The age is purely arbitrary,

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and does not address the problem presented by
the irresponsible driver who is a hazard to any
one who rides with him, just as he would be
if he were loose behind the wheel of an automobile.

The requirement of a special motorcycle driver's
license in addition to a regular license is recommended.

The license test must be obeyed and the same for
a motorcycle driver as for a car driver, and a
"practical" test devised by the highway patrol
will not establish whether an individual will
behave properly on his motorcycle. Such a
requirement will be very costly, to implement
and enforce, and will accomplish nothing that
is not already accomplished under the driver's

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Recent laws of the state. Further, why are motorcycles singled out as opposed to motorboat drivers and automobile drivers, or even bicycle riders?

I am in sympathy with the section asking for noise suppression devices in motorcycles.

Nothing approaches more than an annoying person roaring around at fast speed's in an area where the noise is a real infringement on the rights of others. However, city ordinances already cover public nuisances, and only need to be more strictly enforced to reduce this problem.

I, and other motorcycle riders believe,

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I feel that while House Bill 469 does nothing
to enhance or protect the rights of other people
that is not already done by existing laws,
the bill represents a very real infringement
on our freedom of choice with respect to the
pursuit of a pastime that gives us real
pleasure. I respectfully urge you to
defeat this measure.

Thank you.

Testimony by
William L. Romine
Montana Motorcycle Dealers' Association

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

House Bill 469

Mr. Chairmen, and members of the Highways and Transportation Committee, my name is William L. Romine, and I represent the Montana Motorcycle Dealers' Association. We appear here before you in connection with House Bill 469, specifically opposing passage of such bill. I will refer to each subsection separately, as to our reasons for urging that this bill not be passed.

Subsection (1). This subsection is, of course, a compulsory helmet law. Although the Montana Motorcycle Dealers' Association urges the use of helmets, we oppose this compulsory use for several reasons.

A helmet law is primarily designed to protect the individual from himself. For this reason, several state courts have held that compulsory helmet laws are unconstitutional.

Aside from this constitutional question, there is a question as to how much protection will the state require. Helmets come in at least three different styles, some offering more protection than others, although all of them may pass the USA Standards Z90.1-1966. As to the specific standards required by the statute, we must not mislead ourselves that Z90.1-1966 necessarily provides adequate protection.

Finally, I think the most compelling reason against a compulsory helmet law for motorcyclists is that it is very discriminatory. Bicyclists, especially those riding the newer five speed and ten speed bicycles, are subject to the same hazards as motorcyclists. The same arguments used for compulsory helmet laws for motorcyclists also apply equally to bicyclists. I submit that by excluding bicyclists from a compulsory helmet law that the statute is patently unconstitutional.

Subsection (2). Subsection (2) is somewhat related to Subsection (1). This subsection requires the use of eye protective devices, of the type approved

by the motor vehicle division of the Department of Law Enforcement. It is argued that eye protection devices are not primarily for the purpose of protecting the motorcyclist, but instead, to prevent accidents from happening as a result of a stone or insect flying into the eye of the operator.

On the surface, eye protection requirements seems logical. However, it is a fact that various face shields and goggles will distort the vision of the motorcyclist. Also, unless bicyclists are required to wear eye protection devices, I feel that this subsection suffers under the same constitutional problem as the compulsory helmet law. Bicyclists are also subject to being struck in the eye by a stone or flying insect.

Finally, the very serious question arises as to the possible hazard to the motorcyclist in the event of an accident. The motorcyclist could very well end up with his face and eyes full of broken glass or plastic, and could be severely cut or even blinded.

Subsections (3) and (4). Subsections (3) and (4) are somewhat confusing. They require motorcycle brakes and lights to meet certain specifications. However, the present law in Montana already requires motorcycles to meet these same requirements. This appears to be a duplicity of law. On the other hand, if the purpose is to require motorcycles used entirely off the road to comply with these brake and lighting requirements, then the Montana Motorcycle Dealers' Association must strenuously object to the passage of Subsections (3) and (4). Off the road trail riding does not, under any circumstances, require the type of brakes which are necessary for motorcycles used on the streets and highways. Similarly, trail bikes need a headlight only sufficient for the motorcyclist to find his way out of the mountains in the dark at very slow speeds. There is absolutely no necessity that motorcycles used exclusively in trail riding be required to have the same types of brakes and lighting that are required on motorcycles used on the streets and highways.

Since we already have laws requiring brakes and lights on motorcycles

used on the highways, Subsections (3) and (4) are not necessary.

Subsection (5). Subsection (5) is an attempt to establish a decibel limitation for motorcycles. This is, of course, a desirable achievement. However, I have spoken with the Montana Highway Patrol, and it does not have sufficient manpower or finances available which would be required for setting such decibel limitations. Contrary to the common belief, providing decibel limitations for motorcycles is a very expensive procedure. Expensive and exotic equipment is necessary, and the manpower must be specifically trained.

Aside from the expense involved, this legislation is not needed in Montana at all. All motorcycles which are now being sold in Montana are meeting the requirements of the California law concerning decibel limitations. The main purpose for this is because California is the largest single market for the sale of motorcycles. California has very stringent decibel limitations, and has already expended the money, time, and effort required to set up these decibel limitations.

I submit that we should not expend Montana money and encumber our Highway Patrol manpower when it is already being done for us by the State of California. It is true that for several years some of the older motorcycles, sold prior to the passage of the stringent decibel limitations in California, will still be used in Montana. However, a motorcycle has a very short life, and it will only take two or three years before all the motorcycles operated in this state will meet the California requirements.

I do agree that we should not allow motorcyclists to remove their mufflers while operating their vehicles in or about cities and towns. I would recommend that Subsection (5) be amended to provide that all motorcycles shall be equipped, while used in any city or town with the exhaust muffler or noise suppression device, or both, which was provided by the manufacturer at the time of sale. This amendment to Subsection (5) will not result in any additional costs of manpower expenditure on behalf of the state, and will still assure that in and around our cities and towns motorcycles will be less noisy.

Subsection (6). This subsection prohibits the riding of a passenger under the age of seven years on a motorcycle. I assume that this has been proposed upon the belief that a child under the age of seven years is a hazard to the safe operation of a motorcycle, or that children of such tender ages should not be subjected to the injuries which may occur in a motorcycle accident.

As to the first point, let me assure you that a child under the age of seven years is, almost always, a safer passenger to carry than a child over the age of seven years. I know this from personal experience. A smaller child, who is generally placed in front of the operator and between his knees, does not affect the handling of a motorcycle as greatly as a larger passenger, and at no time have I ever felt that my small child, who rides with me occasionally, has ever affected my safe operation of my motorcycle.

As to the second point, I do not believe that the statistics will show that there is a problem concerning children under the age of seven years being injured as passengers on motorcycles. The statistics just do not bear this out. On the other hand, we find that many small children under the age of seven are severely injured and killed every year in this state while being passengers in automobiles. There are many more accidents involving automobiles than there are motorcycles, and many many more small children maimed, injured, and killed as passengers in automobiles. If the aim is to protect these small minor children, then this is not the proper statute. Rather, the law should provide no children under the age of seven years shall be a passenger in any motorized vehicle. We will save many more young lives with this type of statute than we will with a statute aimed at motorcycles alone.

Subsection (7). Subsection (7), which provides that a motorcyclist must have a driver's license which has a motorcycle endorsement, is generally not objectionable to the Montana Motorcycle Dealers' Association. The Association agrees that proper education of young motorcyclists will result in better drivers and less accidents.

However, the Association questions whether or not the subsection should be passed at this time. Preferably the Montana Highway Patrol should, between now and the second session of the legislative assembly, prepare a program showing exactly what type of special written examination and driver's test is contemplated. The Patrol should also demonstrate that it has the required expertise among its members to give a motorcycle driver's test. The Montana Highway Patrol does not use motorcycle patrolmen. The mere fact that a highway patrolman has driven an automobile for thousands of miles during his career, does not necessarily mean that he is competent or qualified to judge how a motorcycle should be operated.

The Montana Motorcyclic Dealers' Association offers its services to cooperate with the Montana Highway Patrol in preparing such a program. All the Association wishes is that a meaningful written exam and driver's test be utilized. We do not wish to discredit the Montana Highway Patrol, and no such inference should be taken by our position. I think however that even the Highway Patrol will recognize that it has not had time to prepare a special program for the testing of motorcyclists. We only ask that it be given that time, with whatever cooperation we can give, so we can have a meaningful motorcycle endorsement on driver's licenses.

CONCLUSION

In conclusion, we urge that Subsections (1) and (2) be stricken from House Bill 469 as being unconstitutional unless they include bicyclists. Subsections (3) and (4) are not necessary, and already requirements of Montana law, and should be stricken.

Subsection (5) should be amended to merely provide that motorcycles operated within the cities and towns be equipped with the exhaust muffler or noise suppression device, or both, provided by the manufacturer.

Subsection (6) should be stricken from the bill, since no real problem exists in this area, or in the alternative, should be expanded to include not only motorcycles, but all motor vehicles, especially automobiles.

Subsection (7), it is submitted, is premature. Instead, the Highway Patrol should be directed to prepare a program to submit to the second session concerning written examinations and driver's tests for motorcyclists.

Thank you,

WILLIAM L. ROMINE

February 12, 1973

The Highway and Transportation Committee was called to order by Chairman Laas at 7:45 p.m. All members were present with the exception of Rep. Aageson and Rep. Campbell.

House Bill 291: The principal sponsor of the bill, Rep. Laas, asked that the bill be carried over to the 1974 session. Rep. Lien made the motion and Rep. Walborn seconded. It was carried unanimously.

House Bill 469: Rep. Lien made a motion that House Bill 469 Do Not Pass. Rep. Rolfe seconded the motion. Rep. Watt made a substitute motion that they hold House Bill 469 over to the 1974 session. It was seconded and the vote was unanimous to hold House Bill 469 over to the 1974 session.

House Bill 177: Rep. Selstad proposed an amendment to the bill. This amendment is attached. The amendment was adopted with an unanimous vote. Rep. Kendall made the motion that House Bill 177 be Passed as amended. Rep. Glennen seconded the motion and it was carried unanimously.

House Bill 494: This bill has been in a subcommittee. Rep. Cotton gave the subcommittee report and offered an amendment. Rep. Kendall made a motion to Do Not Pass the bill. It was seconded by Rep. Walborn. Rep. Glennen made a substitute motion to carry the bill over to the 1974 session. Rep. Kendall seconded the motion. The motion was carried with Rep. Kendall, Rep. Lien and Rep. Selstad voting No.

House Bill 146: This bill has been held in Subcommittee. Rep. Lien gave the subcommittee report. Offered an amendment to the bill. Rep. Lien moved to except the bill as amended. Rep. Rolfe seconded the motion. Rep. Harper made a substitute motion to all previous motions that House Bill 146 be held over to the 1974 session. Rep. Walborn seconded the motion and it was carried with Rep. Lien and Rep. Baeth voting No.

House Bill 232: This bill has also been in subcommittee. Rep. Lien gave the subcommittee report. Rep. Watt made a motion that House Bill 232 be carried over to the 1974 session. Rep. Walborn seconded the motion and it was carried with Rep. Baeth and Rep. Lien voting No.

House Bill 233: This bill has also been in subcommittee. The last three bills being related. Rep. Harper made a motion to carry House Bill 233 over to the 1974 session so that it may be further studied along with House Bill 146, and House Bill 232. Rep. Walborn seconded the motion and it was carried with Rep. Lien and Rep. Baeth voting No.

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There being no further business, the meeting was adjourned at
9:30 p.m.



Walter Loas, Chairman

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from high school. Such classification shall continue for not more than four (4) academic years if the student remains in continuous attendance at a unit.

(6) *In the event the definition of residency or any portion thereof is declared unconstitutional as it is applied to payment of nonresident fees and tuition, the regents of the Montana university system shall have authority to make rules and regulations on what constitutes adequate evidence or residency status not inconsistent with such court decisions."*

Approved: March 20, 1973.

CHAPTER NO. 398

An Act to Regulate the Operation of Motorcycles.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (1) The operator and passenger, if any, of any motorcycle operated upon the streets or highways of this state shall wear protective headgear upon the head. Such headgear shall meet standards established by the department of justice.

(2) All motorcycles operated on the streets and highways of this state shall be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order, and in constant operation.

Approved: March 20, 1973.

CHAPTER NO. 399

An Act to Amend Title 84, Chapter 18, R.C.M. 1947, by Adding a New Section Designated 84-1840.1, R.C.M. 1947, Allocating Funds to Be Used by the Department of Highways for the Participation with Railroads for Erection of Railroad Grade Crossing Protection on Roads and Streets Except those on the Interstate, Primary or Urban Systems; Providing for Reimbursement of the Fund at the Beginning of Each Fiscal Year; Providing that the Department of Highways Shall Select the Crossings to be Protected and that Participation Be on the Same Basis as Applicable on Federal Aid Roads; Authorizing Counties and Cities to use Funds Allocated to Them from Gasoline Tax Money for Participation in Grade Crossing Protection; Repealing all Acts and Parts of Acts in Conflict

Herewith, Provided, However, that Sections 72-164 to 72-168, R.C.M. 1947, Inclusive are Not Repealed; and Providing that this Act Shall Be Effective on Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is a new section to be numbered 84-1840.1, R.C.M. 1947, which reads as follows:

84-1840.1. Allocation of funds — participation in railroad grade crossing protection on highways, roads, or streets, other than those designated on the interstate, primary or urban system. The sum of one hundred thousand dollars (\$100,000) may be allocated from the earmarked revenue fund, state highway account for the fiscal year ending June 30, 1973, and so much for each succeeding fiscal year as may be necessary to reimburse the fund for expenditures and commitments made and to maintain the fund at one hundred thousand dollars (\$100,000) at the beginning of each fiscal year thereafter, for participation by the department of highways with railroads in construction or railroad grade crossing protection on any public highway or road, except those designated on the interstate, primary or urban systems, within the state of Montana. The department of highways shall select those grade crossings in the state which in the opinion of the department are most in need of additional crossing protection and shall finance the cost thereof solely from this fund. Signal protection provided under the fund shall be limited to electric or automatic flashing lights or gates depending on the amount and nature of the hazards present at the crossing and participation in construction of such signals shall be on the same basis and under the same standards as are applicable and used in connection with protection of grade crossings on federal-aid roads within the state, provided, however, the fund shall not be used for protection of grade crossings on the secondary system where the protection is considered necessary and the cost thereof is financed in part with federal-aid highway funds. In addition to the funds allocated, counties and cities may authorize the use of funds available to said counties and cities under the provisions of section 84-1840 for participation of installation in grade crossing protection within the county or city.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed, provided, however, that sections 72-164 to 72-168 inclusive are not repealed.

Section 3. This act is effective on its passage and approval.

Approved: March 21, 1973.